

Exhibit 5

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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DECLARATION OF ART CHOU

I, Art Chou, depose and state as follows:

1. I am the Vice President of Research and Development and Engineering at Rawlings Sporting Goods Company ("Rawlings"). I have held this position for three years. If sworn as a witness, I am can testify competently to the facts contained herein.

2. Rawlings manufactures aluminum, non-wood composite, and wood composite bats under the Rawlings, Worth, and Miken brands.

3. I understand that the New York City Bat Ordinance has banned the use of metal and non-wood composite bats for use in New York City high school play. This same ordinance allows wood composite bats if they meet certain Major League Baseball specifications.

4. As an engineer and long time participant in the sporting goods industry, I do not believe there is any justification for prohibiting the materials used in baseball bats as opposed to regulating bat performance.

5. The materials used in metal, non-wood composite, and wood composite bats are ultimately irrelevant to the speed at which any given bat can hit a baseball. This is because the performance is more a function of the design of the bat than the material comprising the bat. For example, Rawlings' premier bat is composed of both metal and composite materials. The premier bat sold under the Miken brand is made of 100% composite materials, which typically include carbon fiber, fiberglass, and epoxy.

6. These materials can be designed to hit a baseball at exit speeds greater or lower than those off wood bats. For example, on metal bats, engineers can vary the strength of the metals contained in the bat by using stronger or weaker alloys. Many manufacturers sell a low-end bat produced primarily to have high durability. In these cases, engineers will typically thicken the walls of these bats, which can result in lower exit velocities.

7. The same is true of non-wood composite bats. A manufacturer can vary the strength of the carbon fiber, change the angles at which the fibers are applied, or change the thickness or number of the fiber layers. Any one of these relatively simple changes will affect the performance level of these bats and can result in ball exit speeds lower than those of wood bats.

8. Some wood composite bats contain materials which are similar to Rawlings' and Miken's high-end composite bats, with the exception of a thin wood veneer wrapped around the bat. While this veneer is ultimately irrelevant to the performance of the bat, the mere existence of a small amount of wood veneer would enable this bat to be used under the New York City Bat Ordinance.

9. As it stands, Rawlings' premier and best selling bats will not be allowed for use in New York City play. As a result, players in New York City will not be able to take advantage of the considerable research and development we have invested in these bats to match player preferences and enhance their enjoyment of the game.

I declare under penalty of perjury that the foregoing is true and correct.

This 24 day of May, 2007.



ART CHOU